

**MINUTES OF THE REGULAR MEETING OF THE
SAN MARCOS PLANNING AND ZONING COMMISSION
COUNCIL CHAMBERS, CITY HALL
September 24, 2013**

1. Present

Commissioners:

Bill Taylor, Chair
Chris Wood
Corey Carothers
Kenneth Ehlers
Angie Ramirez
Curtis Seebeck
Randy Bryan (late in 6:20)

City Staff:

Matthew Lewis, Development Services Director
Kristy Stark, Development Services Assistant Director
Sam Aguirre, Assistant City Attorney
Francis Serna, Recording Secretary
John Foreman, Planning Manager
Emily Koller, Planner
Alison Brake, Planner
Amanda Hernandez, Sr. Planner

Call to Order and a Quorum is Present.

With a quorum present, the Regular Meeting of the San Marcos Planning & Zoning Commission was called to order by Chair Taylor at 6:05 p.m. on Tuesday September 24, 2013, in the Council Chambers, City Hall, City of San Marcos, 630 E. Hopkins, San Marcos, Texas 78666.

3. Chairperson's Opening Remarks.

Chair Taylor welcomed the audience and viewers.

4. 30 Minute Citizen Comment Period

Melissa Derrick thanked staff and Matthew Lewis for responding to questions she had regarding the property near the play scape. She felt that the process is going well and thanked staff for keeping citizens in the loop. Ms. Derrick stated that the play scape is near and dear to everyone's heart and cherished by all which makes the request a tough decision for everyone. She requested to see input from first responders regarding the condition of the area during the 1998 flood and how it compares to the east side during evacuation. In addition what it would take to rescue people from the proposed project. She felt that we need to learn from our mistakes from the past to protect the future. She pointed out that people know what happens when we build in the floodway. She explained that tax dollars will be used to evacuate people when a flood occurs. She hopes that the Commission will consider the dangers and ask that the first responders testify in person or writing of their opinion.

Rodney Van Ouderkerke stated that history shows that all cultures of people gathered around the river to create a community. He said that over the years, the community has taken care of the river and the river has taken care of the community. Mr. Van Ouderkerke pointed out that decisions in the past have affected the community. He felt that the community is being divided by people who are for the river and people who are against the river. He asked the Commission to listen to the community is saying because they have always taken care of the river.

Don Eyssen, 200 Orchard stated that Carter Morris was found guilty on two ethics violations. He explained that an open records request was submitted for correspondence and only a few people responded to the request. Mr. Eyssen mentioned that he submitted an open records request a year ago and was told that no communications were had between Mr. Wood, Thomason and Morris and was advised there was no information. He said people need to step up, be honorable and tell the truth. He added that they want the Commission to represent the people and not the big businesses and bars. He said that the Commission needs to protect the community. Mr. Eyssen said people should be accountable for their behavior. Mr. Eyssen stated that he spoke to Mr. Meeks regarding the property and was told that for two years he tried to sell the property the City. He inquired about why the citizens were not informed. Mr. Eyssen referred to the Blanco Vista development and said it is fine. He suggested that the request not continuously be amended.

Marcia Gillespie stated that she has lived in San Marcos for 33 years and things that happen in San Marcos are important to her. She said she was the President of Friends of the Playscape Committee for many years. Ms. Gillespie pointed out that they jumped through hoops to be able to build at the location. She added that they hired an architect from New York to design the playscape to be sure it was aesthetic to the property. Ms. Gillespie said she would like to see that the property is left open space or parkland. She spoke in opposition to the apartment complex near the playscape.

Derrick Lee, 209 S. Comanche said the biggest thing to worry about is an apartment complex near the playscape. He felt that students are able to afford a high dollar development for a few years while they are enrolled. He referred to the Habitat Conservation plan and explained that tax payer money has and will be spent in the area now and in the near future to repair issues to development, human traffic and recreational use. Mr. Lee said that the development will be a waste of tax dollars. He added that current landscape practices will add to the chemical pollution to the river. He pointed out that most development use turf. He explained that turf would wash everything into the river. Mr. Lee said he doesn't know if there is a filtration system that filters everything out but pointed out that the river and endangered species should be protected.

Cathy Dillon, 1000 Burlson said that she agrees that college kids will reside in the apartment complex and doing what college kids do. Ms. Dillon said she was very instrumental in the playscape. She explained that there were no place for children to play and being involved in the development of the playscape was an amazing experience. Ms. Dillon stated that she does not want an apartment complex near the playscape. She added that we need to protect the river, the parkland and the children.

Diane Wassenich spoke on behalf of the River Foundation and stated that they are very concerned about an apartment complex being built at the mouth of Purgatory Creek. She said they are very concerned about flooding and are locating the people that helped evacuate people from the playscape area in 1998. Ms. Wassenich mentioned that they are meeting with people who flooded and mapping what was submerged in '98. She added that they have provided staff with preliminary maps to the Planning Department and will continue to provide the Commission with adequate information to assist with the decision in the Preferred Scenario maps in the Comprehensive Plan. Ms. Wassenich referred to the property on the Blanco River and pointed out that the Commission should think about the Blanco River and how it flooded in '98. She pointed out that Leon Valley and the City of Austin have been in the news regarding spent money to buy out houses that are flooded and located in the floodplain. Ms. Wassenich pointed out that we should not locate anything in the floodplain. She said that we need to protect the future and citizens in San Marcos. She urged the Commission to get fully informed before they make their decision.

Joan Byrd, Thorpe Lane said she is a 40 year resident of San Marcos. She said she does a regular Sunday river clean up. She stated that she loves the river and is very disturbed. Ms. Byrd stated that she remembers the flood in '98 and pointed out that the whole area was under water. She felt that Mr. Meeks will put people in harm's way. Ms. Byrd pointed out that she is not worried about college kids but she is worried about people living in the mixed use development. People will not be able to get out of the area when it floods. She pointed out that a parking area is not going to be provided. She added that a parking garage will be necessary which could be approximately 5 stories. She expressed concern that there is currently parking problems in the park. She asked the Commission to please not support the request.

Charles Meeks advised the Commission that Mr. Rankin has provided a question and answer sheet that addresses most of the concerns. Mr. Meeks said he is a 3rd generation and his children are 4th generation in San Marcos. He mentioned that he also assisted in building the playscape and Don Myers construction donated the concrete which holds his family name. Mr. Meeks stated he is also connected to the area as much as everyone else. He explained that he has attended all the neighborhood and staff meetings. He addressed a number of concerns. He explained that years ago he has met with Ken Bell and addressed the first responder's process in the event Purgatory Creek floods. He added that if additional information is necessary he will comply. Mr. Meeks pointed out that the 1998 flood has been brought up repeatedly. He provided a photo of Culligan Water Supply sign on the morning of the flood at Purgatory creek. He explained that he drove up LBJ Drive and informed the Commission that the area in which he has proposed development did not flood. Mr. Meeks said that they will improve the community of San Marcos.

Mark Rankin, the developer of the Meeks Project. Mr. Rankin advised the Commission that he prepared frequently asked questions for anyone interested. He pointed out the uses currently allowed. He explained that they will improve the property and donate parkland to the city. Mr. Rankin stated that there will not be any development within the water quality zone or the floodplain. He added that the parking will be within the building and could possibly be 5 stories. Mr. Rankin stated that they have discussed access to the property in case of a flood and distance from the river.

NOTE: *The Planning & Zoning Commission may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion. The Planning and Zoning Commission may also publicly discuss any item listed on the agenda for Executive Session.*

Consent Agenda:

5. Consider the approval of the minutes of the Regular Meeting on September 10, 2013.

6. PC-13-29_02 (Blanco Vista Phase 3, Sections 2 and 3) Consider a request by CSF Civil Group, on behalf of Brookfield Residential, for approval of a Preliminary Subdivision Plat of Blanco Vista Phase 3, Sections 2 and 3 for approximately 7 acres more or less, out of the William Ward League Abstract 467, consisting of 46 residential lots located at Blanco Vista Boulevard and Trail Ridge Pass.

7. PC-13-31_02 (Vista De Los Santos) Consider a request by HMT Engineering & Surveying, on behalf of C&G Development, for approval of a Preliminary Subdivision Plat of Vista De Los Santos for approximately 45 acres more or less, out of the J. Williams Survey Abstract No. 470, consisting of 87 residential and 10 drainage /open space lots located at Wonder World Drive and Craddock Avenue.

MOTION: Upon a motion made by Commissioner Carothers and a second by Commissioner Seebeck, the Commission voted on consent to approve the minutes of the Regular Meeting on September 24, 2013, PC-13-29_02 (Blanco Vista Phase 3, Section 2 and 3), and PC-13-31_02 (Vista De Los Santos).

Public Hearings:

8. CUP-13-30 (Cody's Bistro & Lounge) Hold a public hearing and consider a request by #3 BPCC, Inc., on behalf of Cody's Bistro and Lounge, for renewal of an existing Conditional Use Permit to allow the continued sale of mixed beverages for on-premise consumption at 690 Centerpoint Road, Suite 209. Commissioners Morris, Kelsey and Wood recused themselves from CUP-13-25.

Alison Brake, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Carothers and a second by Commissioner Wood, the Commission voted all in favor to approve CUP-13-30 with the conditions that the permit shall be valid for three (3) years, provided the standards are met, subject to the point system and the permit shall be posted in the same area and manner as the Certificate of Occupancy. The motion carried.

9. PC-13-32_06 (Municipal Airport Subdivision) Hold a public hearing and consider a request by Roland Borden for approval of a Replat of Lots 14A and 16, Municipal Airport Subdivision, establishing Lots 14B and 16B, Municipal Airport Subdivision, located near the intersection of South IH 35 and Clovis Barker Road. Tory Carpenter, Planning Technician gave an overview of the project.

Emily Koller, Staff Planner gave an overview of the project.

Chair Taylor opened the public hearing. There were no citizen comments and the public hearing was closed.

MOTION: Upon a motion made by Commissioner Ehlers and a second by Commissioner Seebeck, the Commission voted all in favor to approve PC-13-32_06 (Municipal Airport Subdivision). The motion carried.

Non Consent Agenda:

10. Update from staff and discussion on the Preferred Scenario Amendment applications received and procedures for consideration. (Fall 2013)

PSA-13-01 Ocie Vest – approximately 192 acres located south of Yarrington Road between IH 35 and Post Road – Area of Stability to Medium Intensity

PSA-13-02 Mark Rankin – approximately 7 acres located along the east side of South C M Allen Parkway and divided by Comal Street – Area of Stability / Open Space to High Intensity

Amanda Hernandez, Senior Planner gave an update on the Preferred Scenario Amendment applications received.

Mark Rankin gave a ten minute presentation of the project.

11. Development Services Report:

- a. Implementation of the Comprehensive Plan.
- b. Planning Month Activities
- c. 2013 APA Conference Staff gave a brief update.

Matthew Lewis gave an overview of the Land Development Code Replacement and the Comprehensive Plan Outreach process. He announced that Chair Taylor received two awards for Planning Commissioner of the Year and Development Services received the Long Range Planning Award for Vision San Marcos.

Alison Brake announced the October Planning Month Activities.

12. Question and Answer Session with Press and Public. *This is an opportunity for the Press and Public to ask questions related to items on this agenda.*

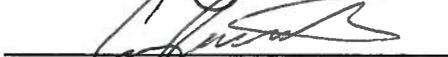
There were no questions and answers from the press and public.

13. Adjourn.

Chair Taylor adjourned the Planning and Zoning Commission meeting at 7:24 p.m. on Tuesday, September 24, 2013.



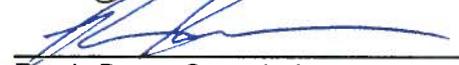
Bill Taylor, Chair



Corey Carothers, Commissioner



Chris Wood, Commissioner



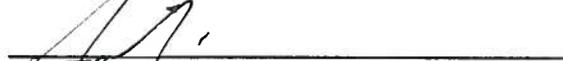
Randy Bryan, Commissioner



Curtis Seebeck, Commissioner

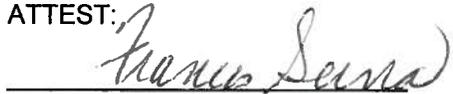


Kenneth Ehlers, Commissioner



Angie Ramirez, Commissioner

ATTEST:



Francis Serna, Recording Secretary

